

App'l. No.: 10/767,586
Amdt. dated 03/13/2006
Reply to Official Action of December 14, 2005

REMARKS/ARGUMENTS

Applicant appreciates the thorough examination of the present application, as evidenced by the first Official Action. The first Official Action rejects Claims 1, 4, 9, 12, 17 and 20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2001/0220995 to Tsutsumi (noting that Tsutsumi is not prior art to the present application under § 102(b), but rather § 102(e)). The first Official Action then rejects the remaining claims, namely Claims 2, 3, 5-8, 10, 11, 13-16, 18, 19 and 21-23 under 35 U.S.C. § 103(a) as being unpatentable over Tsutsumi in view of U.S. Patent Application Publication No. 2005/0125561 to Miyaji, alone or further in view of U.S. Patent Application Publication No. 2005/0134449 to Barile et al. As explained below, Applicant respectfully submits that the claimed invention is patentably distinct from Tsutsumi, Miyaji and Barile, taken individually or in combination. Accordingly, Applicant respectfully traverses the rejections of the claims as being anticipated by Tsutsumi, or as being unpatentable over Tsutsumi in view of Miyaji, alone or further in view of Barile. Nonetheless, Applicant has amended independent Claims 1, 9 and 17 to further clarify the claimed invention. In view of the amendments to the claims and the remarks presented herein, Applicant respectfully requests reconsideration and allowance of all of the pending claims of the present application.

The primarily cited reference, Tsutsumi, discloses a system and method for delegating information processing. As disclosed, the method includes establishing a wireless link between first and second information terminals. The second information terminal provides an information-processing-delegation certificate to the first information terminal via the wireless link to request that the first information terminal perform an information processing task on behalf of the second information terminal. In response, the first information terminal moves proximate access service equipment for a wide-area network, and establishes a wireless link with access service equipment. The first information terminal then performs the delegated information processing with the wide-area network via the access service equipment. Thereafter, the first information terminal returns proximate the second information terminal, and re-establishes the wireless link with the second information terminal to thereby report the results of the delegated information processing.

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Aspects of the present invention provide a terminal, method and computer program product for interacting with a service provider for accessing a remote service. As embodied in amended independent Claim 1, for example, the terminal includes a controller adapted to actively operate an application, and receive information from a RF transponder tag or a device adapted to operate as a RF transponder tag at least partially over an air interface. As recited, the information includes a service type representing a service offered by the service provider. Thus, the controller is also adapted to contact the service provider for accessing the service, and thereafter perform a predefined action based upon (a) the service type, (b) the application actively operating on the terminal and (c) a state of the application. For example, the controller may be adapted to receive data from the service into an actively operating application when the terminal is actively operating an application in a state of receiving data (see Claim 2), and/or send data to the service when the terminal is actively operating an application in a state of presenting data (see Claim 3).

In contrast to the claimed invention, neither Tsutsumi nor any of the other cited references (i.e., Miyaji and Barile), individually or in combination, teach or suggest performing a predefined action based upon (a) information relating to the service type (received from a RF tag or a device adapted to operate as such), (b) an application actively operating on the terminal, and (c) a state of the application. In this regard, Tsutsumi discloses a second terminal delegating an information processing task to a first terminal, which performs the delegated task via access service equipment and a wide-area network and returns to report the results of the task to the second terminal. Tsutsumi does not disclose, however, that the first terminal's performance of the information processing task is based in any way on at least an application actively operating on the first terminal or a state of such an actively operating application, both of which being bases for performance of the predefined action (along with information relating to a service type) in accordance with the claimed invention.

As none of Tsutsumi, Miyaji and Barile teaches or suggests the aforementioned feature of the claimed invention, no combination of Tsutsumi, Miyaji and Barile teaches or suggests this feature of the claimed invention. Thus, Applicant respectfully submits that amended independent Claim 1 is patentably distinct from Tsutsumi, Miyaji and Barile, taken individually

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or in combination. Applicant therefore respectfully submits that amended independent Claim 1, and by dependency Claims 2-8, is patentably distinct from Tsutsumi, Miyaji and Barile, taken individually or in combination.

Applicant also respectfully submits that amended independent Claims 9 and 17 recite subject matter similar to that of amended independent Claim 1, including performing a predefined action based upon (a) information relating to the service type (received from a RF tag or a device adapted to operate as such), (b) an application actively operating on the terminal, and (c) a state of the application. Thus, Applicant respectfully submits that amended independent Claims 9 and 17, and by dependency Claims 10-16 and 18-23, are patentably distinct from Tsutsumi, Miyaji and Barile, taken individually or in combination, for at least the same reasons given above with respect to amended independent Claim 1. Moreover, with respect to dependent Claims 5-8, 13-16 and 21-23, Applicant notes their inability to locate any portion of Miyaji that discloses an RFID transponder tag, much less an RFID transponder tag adapted to operate in the recited manners. Applicant therefore respectfully requests clarification as to the applicability of Miyaji to the claimed invention, and particularly to the asserted disclosure of Miyaji related to RFID transponder tags.

In view of the foregoing, Applicant respectfully submits that the rejection of Claims 1, 4, 9, 12, 17 and 20 as being anticipated by Tsutsumi, as well as the rejection of Claims 2, 3, 5-8, 10, 11, 13-16, 18, 19 and 21-23 as being unpatentable over Tsutsumi in view of Miyaji, alone or further in view of Barile, is overcome.

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CONCLUSION

In view of the amendments to the claims and the remarks presented above, it is respectfully submitted that all of the claims are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested in due course. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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Sarah B. Simmons

March 13, 2006
Date